



#12/FDS
Atty. Dkt. No. 016790-0430

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lambert DANNER et al
Title: SPECTRAL ELLIPSOMETER HAVING A REFRACTIVE
ILLUMINATING OPTICAL SYSTEM
Appl. No.: 09/893,709 ✓
Filing Date: 06/29/2001
Examiner: S. Sugarman ✓
Art Unit: 2873 ✓

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

RELEVANCE OF EACH DOCUMENT

These documents have been received from a third party (J.A. Woollam). This party has made notes on the documents which may not be part of the prior art and which the applicant does not necessarily agree with.

The applicant does not necessarily agree with the characterization of the scope and content of the prior art made in the enclosed documents.

Document A8 discloses a spectral oval polarimeter provided with a refractive lighting optical system.

Document A12 discloses an acousto-optic tunable double-beam spectrometer.

Document A14 discloses a three-dimensional shape measuring device.

Documents A7 and A13 (which discloses a spectral ellipsometer) claim priority based on the same first-filed application.

English translations of the foreign-language documents are not readily available. However, the absence of such translations does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609). English language abstracts are provided for documents A8, A12, A13 and A14. An English language translation is also provided for document A14.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: August 6, 2003

FOLEY & LARDNER

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